

EXHIBIT 1

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 14-4193

JILL SIKKELEE,
Individually and as Personal Representative
of the Estate of David Sikkelee, deceased,
Appellant

v.

PRECISION AIRMOTIVE CORPORATION;
PRECISION AIRMOTIVE LLC,
Individually and as Successor-In-Interest
to Precision Airmotive Corporation;
BURNS INTERNATIONAL SERVICES CORPORATION,
Individually and as Successor-In-Interest to Borg-Warner Corporation,
and Marvel-Schebler, a Division of Borg-Warner Corporation;
TEXTRON LYCOMING RECIPROCATING ENGINE DIVISION,
A Division of Avco Corporation;
AVCO CORPORATION; KELLY AEROSPACE, INC.,
Individually and Joint Venturer and a Successor-In-Interest;
KELLY AEROSPACE POWER SYSTEMS, INC.,
Individually and as Joint Venturer and Successor-In-Interest
a/k/a Electrosystems, Inc.
a/k/a Confuel Inc.;
ELECTROSYSTEMS, INC.,
Individually and as Joint Venturer and as Successor-In-Interest
a/k/a Consolidated Fuel Systems, Inc.
a/k/a Confuel, Inc.;
CONSOLIDATED FUEL SYSTEMS, INC., a/k/a Confuel, Inc.

Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. No. 4-07-cv-00886)
District Judge: Honorable Matthew W. Brann

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SUR PETITION FOR REHEARING

Present: McKEE, *Chief Judge*, AMBRO, FUENTES, SMITH, FISHER, CHAGARES, JORDAN, HARDIMAN, GREENAWAY, JR., VANASKIE, SHWARTZ, KRAUSE, RESTREPO, and VAN ANTWERPEN,¹ *Circuit Judges*

The petition for rehearing filed by appellant in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied.

BY THE COURT,

s/ Cheryl Ann Krause
Circuit Judge

Dated: June 7, 2016

CJG/cc: John D. McClune, Esq.
Clifford A. Rieders, Esq.
Tejinder Singh, Esq.
Christopher Carlsen, Esq.
Sara A. Frey, Esq.
Amy M. Saharia, Esq.
Kannon K. Shanmugam, Esq.
Catherine B. Slavin, Esq.
Jeffrey R. White, Esq.
Jeffrey J. Ellis, Esq.

¹ Judge Van Antwerpen's vote is limited to panel rehearing only.

Martin S. Kaufman
Eric B. Wolf, Esq.
David J. Weiner, Esq.
Abby C. Wright, Esq.
Thad T. Dameris, Esq.

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District Judge: Honorable Matthew W. Brann

Argued: June 24, 2015

Before: CHAGARES, KRAUSE, and VAN ANTWERPEN, *Circuit Judges*

JUDGMENT

This cause came to be considered on the record from the United States District Court for the Middle District of Pennsylvania and was argued on June 24, 2015.

On consideration whereof, it is now hereby ORDERED and ADJUDGED by this Court that the Order of the District Court entered on September 10, 2014 be and the same is hereby VACATED and REMANDED to the District Court for proceedings consistent with the Opinion of this Court. Costs to be taxed against Appellees. All of the above in accordance with the Opinion of this Court.

ATTEST:

s/Marcia M. Waldron
Clerk

Dated: April 19, 2016



Certified as a true copy and issued in lieu
of a formal mandate on June 15, 2016

Teste: *Marcia M. Waldron*
Clerk, U.S. Court of Appeals for the Third Circuit